# BACK PAPERS.

| G.O. | No. | Department. | Date. | G.O. | No. | Department. | Date. |
|---|---|---|---|---|---|---|---|
| | | | | | | | |

W. 2461 P
9.8.917

1762 Rev
13426

# FURTHER PAPERS.

| G.O. | No. | Department. | Date. | G.O. | No. | Department. | Date. |
|---|---|---|---|---|---|---|---|
| | | ~~1584~~ | | | | | |
| | | 1366 | | | | | |
| | | 27 | | | | | |
| [illegible] | [illegible] | Rev | 16.8.24 | | | | |
| Cmdt | 896 B/24 | Rev | 3-9-24. | | | | |
| MS | 1575 | Rev | 8.8.24 | | | | |

Rev— **(1926) Department.**

Misc.. SERIES.

**G.O. No.** 1885

**DATED** 29-10-1926.

---

**[Despatch Abstract.]**

Suits (S. Kanara) — High Court — A.S. Nos 94, 108 & 171 — Escheat - Draft compromise — approved.

REVENUE **DEPARTMENT.**

CURRENT No. 2/Cs

*Received* 26-OCT-1926 192 *Registered* 26.10.26. 192

UNDER SECRETARY TO GOVERNMENT * REVENUE DEPARTMENT *

*Subject.*

WIFE - (South Kanara) - High Court - A.S. Nos. 94, 108 and 171/23 - Escheat - Draft compromise - Submitted for approval.

ENCLOSURES
No.
Spare copies

Reference No. A.56887

*Station* Madras. , *Dated the* 25th October 192 6

From W. Scott Brown Esq., I.C.S.,
Secretary,
Land Revenue. and
The Board of Revenue, Revenue Settlement, etc.
Separate Revenue.

Resolution
Reference. I. L. Moore Esq.,
Commissioner of Land Revenue.

M 17+18 98 01767 A1 13.10.26 (G) Read the following :-

I

Again B.J. No. 2308 dis. dated 11th October 1926

II

C.O. No. 1767 Revenue, dated 13th October 1926.

III

Letter from M.R.Ry. C.V. Anantakrishna Ayyar Avl., Acting Government Pleader, Madras, No. 1001 dated 18-10-1926.-

A.S.Nos. 94, 108 and 171 of 1923 on the file of the High Court.

In continuation of my letter No. 954, dated 5-10-1926 and with reference to C.O. No. 1767 Revenue, dated 13-10-1926 I have the honour to forward herewith a draft of the compromise petition which was sent to the parties in South Kanara for their signature.

REFERENCE.

Submitted to Government for orders.

2. The draft compromise submitted by the Government Pleader may be formally approved. In line 4 of paragraph V the word 'it appears to have been omitted after the word 'take'.

3. The condition in paragraph 2 of B.P. No. 2308 Mis. dated 11-10-1926 regarding the price of 'mura' to be adopted in fixing the value of the Government's share has not been embodied in the draft compromise apparently because under clause V of the draft the Collector who is the valuing officer will be at liberty to adopt any rate which may seem reasonable to him and it is open to Government or the Board to give him departmental instructions on the point.

To the Secretary to Government, Revenue Department.

V.C/25.10.26.

MEMORANDUM OF CIVIL MISCELLANEOUS PETITION.

Under Order 23, rule 1, C. P. C.

In the High Court of Judicature at Madras.-

C.M.P. No. of 1926

in

A. S. Nos. 94, 108 and 171 of 1923.

---

Subbu alias Souramma — 1st deft. appellant in A.S.108/

2. Venkataramana
3. Srinivasa
— minor children of Saraswati daughter of No.1 by next friend and father Krishnachandra Upadya supplemental appellant in A.S. 108/23

4. Vital Sastry
5. Sivamma.
6. Padmaraja.
— Defts. 2 to 4 - appellants 1 to 3 in A.S. 94 to 23.

7. Srinivasa Kebbara. — 6th deft. appellant in A.S. No. 171/23

8. The Secretary of State for India in Council represented by the Collector of South Kanara. — Plaintiff respondent in all the above appeals

---

The humble petition of the petitioners above named

Respectfully showeth:-

Having regard to the nature of the several questions raised in the case the parties have settled the matter as follows.

The decree of the lower court should be modified in the following manner:-

1. That each of the items 1, 2, 2(a) and 3 with all the improvements thereon be divided into two equal moieties having regard to the nature of the soil etc. and the plaintiff shall retain possession of one moiety in each of the said items.

2. That the plaintiff do give up his right to the other moiety and also the mesne profits decreed by the lower court.

3. That the defendants do give up their claims to the value of the improvements which has been decreed.

II. That a commissioner be appointed by the lower court to divide the properties into equal moieties as above [illegible] plaintiff having been put into possession of [illegible] to [illegible] decree of the lower court.

defendants do recover possession of the other moiety excluding the moiety to which the plaintiff is entitled i.e. the first defendant and the supplemental appellants in A.S. 108 of 1923 shall obtain possession of the other moiety of item No. 1, defendants 2, 3 and 4 obtain possession of the other moiety of item 2 and 2(a) and the 5th defendant of the other moiety of item 3 respectively. In the moiety of items 2 the second defendant has a Kayamgeni interest and defendants 3 and 4 have the muli right and in item 2(a) defendant 2 has the muli right and defendants 3 and 4 have a mulgeni interest.

III. That the plaintiff do retain for his benefit the whole of the income of the properties from the date of his obtaining possession in execution of the lower court's decree upto the end of the agricultural year 1925-26 and that the plaintiff be also entitled to realise the arrears of rent if any for the said period from the tenants concerned.

IV. That in respect of rent due for the current agricultural year 1926-27 the plaintiff be entitled to half and the defendant be entitled to the other half. In respect of the several items it being agreed as between defendant 2, 3 and 4 with reference to items 2 and 2(a) that the mulgeni tenants should be entitled to recover the entire income in respect of that holding without prejudice to the mulgar right in respect of his dues from them.

V. That in respect of the plaintiff's moiety in each of the items 1, 2, 2(a) and 3 of the plaint schedule the defendant respectively interested in each of the said items shall be given the option to take at the valuation to be fixed by the Collector within three months of the date of the High Court decree and the payment to be made strictly within six months of the Collector so fixing and intimating the same to the parties concerned. In case the option is exercised then the plaintiff will execute the necessary deeds
the respective defendants at their expense conveying the right title interest whatever they be of the plaintiffs in the properties conveyed and on condition that the defendants agree to indemnify the Government against any lawful claim of litigatio

concerning the properties during the twelve years from the date of the plaintiff's taking possession in execution and of the charge of the properties allotted to their respective shares.

VI. As the 1st defendant Gouramma the widow of Venkataramana Bhadanga agrees to relinquish her interest in the estate of her husband in favour of the next reversioners, the supplemental appellants, the said supplemental appellants shall hereafter be entitled to the said share absolutely.

VII. This arrangement and the decree passed will be held binding on the supplemental appellants, they having been brought on record with a view to have the estate of Venkataramana Bhandiga fully represented and in order to avoid all future disputes, the sanction of the court having been accorded for the compromise.

VIII. Each party do bear his own costs throughout.

IX. The actual division in execution be postponed till after the expiry of the period fixed for the exercise of the option above mentioned.

X. In other respects the decree of the lower court to be confirmed.

The petitioners therefore pray for a decree in the above terms in all the above appeals.

T. M

1. P.M.
29.10.26
Rev Sett.

From

The Secy, Bd of Rev L.R

To

The Secy to Govt. Revenue dept.

---

Ref: my P.C of T.M dt 27.10.26.

Suits - S. Kanara - High Court - A.S Nos 94, 108, 171/23 - Escheat - Compromise - Board refce No A 5688-26-1 dt 25.10.26.

---

Govt. Pleader has now forwarded the original Compromise petition signed by all the parties excepting Govt & instructed that the Collr or any other duly authorised person may be directed to sign it on behalf of the Secy of State in Council & that petition may be returned so signed at a very early date as the Court is very anxious to have the matter disposed off without delay. The Board therefore requests that immediate orders may be passed by Govt on its refce above cited. Passed

29.10.26 Secy to Govt

Mr. Secy, Dept. of L.G.

The Secy of Agric. Treasurer Dept of

---

Subj: Proc of T.H. of 7-J-10-26

Suit - J. Hanna - High Court - R.S. No 94, 108, 1713/23

- Evidence - Compromise - Terms refer to A 5678-21

Supply Clerk has now completed the original Compromise petn. for all the Parties concerned & wishes to know if that be done in any other during Summer Vacation. Please see that the Compromise petn. is signed by the Parties Counsel & that petitioner may be kept informed of the progress of the case. Please return the papers.

It is Court's duty to see that the matter is disposed of as soon as possible. The Govt Pleader's duty is not finished when the petn. is signed. He must see that the petn. is presented in Court & that the Court passes a decree in accordance with the terms of the petn. Please see that the petn. is presented in Court.

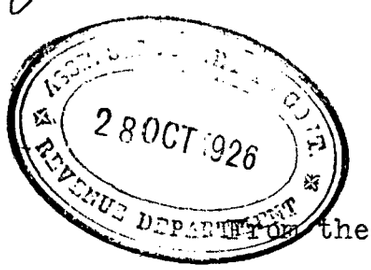
Mr. Secy

29.10.26

Mr. Secy

1. P.H.

Post copy of telephonic message.




Board of Revenue,

Land Revenue & Settlement,

Madras. Dated 27th October 26.

From the Secretary, Board of Revenue, Land Rev. & Sett.

To the Secretary to Govt., Revenue Department.

*****

Refce:- Suits (South Kanara) - High Court A.S.94,108,171, 23 - Escheat - Compromise - Board's Reference A 5688-26-1 dated 25-10-1926.

*****

The Government Pleader has now forwarded the origina compromise petition signed by all the parties excepting Government and requests that the Collector or any other duly authorised person may be directed to sign it on behalf of the Secretary of State in Council and that the petition may be returned so signed at a very early date as the Court is very anxious to have the matter disposed of without delay The Board therefore requests that immed_ate orders may be passed by Government on its reference above quoted.

S.M. 27/10.

for Secretary.

To Under Secy

Submitted.

2/. The Bd's Refce A 5688/26-1 dy 25.10.1926 (C 2780 E/26) reqg orders was submd to Under Secy on 28.10.26 in an urgent file. It is ~~understood~~ understood from the Circulation clerk that the file was subd to Secy on 28.10.1926. Orders passed to-day

29/.

9

Suits (S. Kanara) – High Court – A. Nos. 94/08 & 171/23 – Escheat – Draft compromise – [F 2780 E/26]. From the Board of Rev, Lr No. Rev A. 5683/26-1 d 25.10.26.

Previous papers.

G.O. No. 2441 Rev dy 9-8-1917

G.O. No. 1767 Rev dy 13-10-1926. (G).

To Under Secy.

(G)

In G.O No 1767 Rev dy 13.10.1926 the Govt agreed with the Board of Rev in considering that the escheat appeals, ~~A.S.~~ A.S. Nos 94, 108 & 171/23 on the file of the High Court should be compromised on the lines suggested by ~~him~~. The Govt Pleader – He has now submitted a draft of the compromise petition which was sent to the appellants for signature.

p/ 3-5-26

The draft terms of compromise are in order and may be approved

2/. ~~Accepted~~ With refce to para 3 of Bd's letter on p 2 cf, the Board may be requested to issue instructions to the Collr who is the valuing officer ~~to calculate the mesne profits from the property~~ to adopt the current market rates of rice when calculating the value of the property.

A draft order is submitted.

28/10/26

SSM

28/10 S.

Scott. II-10 (a)—48,962—2-2-22. (6)

Revenue DEPARTMENT.

| | Date. | Initials. |
|---|---|---|
| When received for Fair-copying. | | |
| When copied .. | 29/10 | |
| When examined .. | 29/10 | |
| When signed .. | | |
| When despatched .. | | |

close
30/10/26

READ AGAIN G.O. No. 2441 Rev, dated 7.8.917 192

" " " " 1767 Rev " 13.10.926. 192

*READ ALSO*—

C. No. 2)90E/26, From the Board ofRev (Lands), No. 5688/26-1, dated 25.10. 1926

" " " " " " 192

" " " " " " 192

ORDER.

No. 1885, dated 29-10- 1926

Secy

Pl Today please
29/10/26

The Govt approve the draft compromise petition proposed to be filed in connection with the escheat appeals, A.S. Nos 94, 108 & 171/2.. on the file of the High Court.

2/. The Board of Rev is requested to issue instructions to the Collr of S. Kanara to adopt the current market price of a rice khara for the purposes of calculating the value of the property.

Secy
29/10/26

29/10

REVENUE DEPARTMENT.

CURRENT No. 23497-B

Received 1-NOV.1926 1926. Registered 1-11- 1926

Subject.

SUITS - (South Kanara) High Court -

A.S.Nos. 94,108 and 171/25 - Escheat - compromise approved.

may be filed urte
(A) Go 1885-Rev 29.10.26

ENCLOSURES
No.
Spare copies

Miscellaneous No. 2492

Station MADRAS, Dated the 30th October 1926

From W. SCOTT BROWN, ESQUIRE, I.C.S.,

SECRETARY Land Revenue. &
The Board of Revenue, ~~Revenue~~ Settlement, ~~etc.~~
~~Separate Revenue.~~

P.L. MOORE, ESQUIRE, C.I.E., I.C.S.,
Commissioner of Land Revenue.

Resolution
~~Reference~~

Read - the following :-

Government Order No. 1885 Mis., Revenue Department, Dated 29th October 1926.

RESOLUTION:-

A copy of the Government Pleader's letter No. 1046, dated 26-10-'26 is communicated to the Collector of South Kanara, who is requested to affix his signature to the accompanying compromise petition after - adding the word 'it' after "take" in line 4 of condition V and return it direct to the Government Pleader, Madras.

2. If after the final decree is passed, the defendants desire to exercise the option given in condition v of the compromise petition, the Collector is requested to adopt the current market price of rice for the purpose of calculating the value of the property.

(True Extract)

30.0

SECRETARY.

To The Collector of South Kanara with Government Pleader's letter and the original compromise petition.

Copy to the Secretary to the Government of Madras, Revenue Department.

Copy to the Government Pleader, Madras.

P.T.S.,
30/x

30/10

Judicial **DEPARTMENT.**

14

Rev 2504-B

*Received* 14 NOV 1926 192 *Registered* 1571 192

*Subject.*

Reporting result in A.S. 94, 108 & 171 of 1923 on the file of the High Court - South Kanara District.

Maybe filed with (V) G.O. 1885 Rev dy 29-10-26.

| Enclosures. |
|---|
| No. |
| |
| Spare copies |

No. 1144

*Station* Madras. *Dated the* 12th November '26

M.R.Ry.,

*From* (Name) Rao Bahadur C.V.Anantakrishna ayyar avl.,

(Designation) Ag. Govt. Pleader, Madras.

*To* The Secretary to the Government of Madras

Revenue Department.

Sir, A.S.Nos. 94,108 & 171 of 1923 - S. Kanara Dt.

With reference to G.O. No. 773 Home (Judicial), dated the 20th March 1920, G.O. Mis. No. 2255, Revenue, dated the 14th September 1920 and G.O. No. 1767, Revenue, dated the 13th October 1926, I have the honour to report as follows:-

In pursuance of the directions contained in G.O. last referred to the subject matter of the above appeals was compromised and the necessary petitions were filed in court. Orders were passed accordingly, the decree of

the lower court being modified as mentioned in the compromise petition.

I have the honour to be,

Sir,

Your most obedient servant,

Ag. Government Pleader.